

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA**

MUMIA ABU-JAMAL, et al.,	:	
Plaintiffs	:	Civil Action No. 3:15-CV-00967
	:	
v.	:	(Judge Mariani)
	:	
JOHN KERESTES, et al.,	:	FILED ELECTRONICALLY
Defendants	:	
	:	

CORRECTIONS DEFENDANTS’ MOTION TO DISMISS
OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT
ON, PLAINTIFF’S AMENDED COMPLAINT

AND NOW come Defendants Kerestes, Oppman, Steinhart, Delbalso, Silva, Wetzel, Noel, Department of Corrections, Bureau of Healthcare Services Assistant Medical Director, and Bureau of Healthcare Services Infection Control Coordinator (“Corrections Defendants”), by and through their attorney, Laura J. Neal, Assistant Counsel, and hereby move this Court, pursuant to Fed. R. Civ. P. 12(b) to dismiss the claims against them for failure to state a claim and lack of jurisdiction, or to enter summary judgment in their favor pursuant to Fed. R. Civ. P. 56, for the reasons set forth in their supporting brief.

WHEREFORE, Defendants respectfully request that this Court dismiss the claims against them or enter summary judgment in their favor for the reasons set forth in their supporting brief.

Respectfully submitted,

Office of General Counsel

Dated: September 7, 2017

By: /s/ Laura J. Neal

Laura J. Neal

Assistant Counsel

PA 81070

Pennsylvania Department of Corrections

Office of Chief Counsel

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Counsel for Corrections Defendants

CERTIFICATE OF NON-CONCURRENCE

The undersigned hereby certifies that, as set forth in the Joint Case Management plan submitted in this action, Plaintiff does not concur in this motion.

Respectfully submitted,

Office of General Counsel

Dated: September 7, 2017

By: /s/ Laura J. Neal

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Assistant Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on counsel for the parties on the date of filing via ECF.

s/ Laura J. Neal
Laura J. Neal
Assistant Counsel

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Dated: September 7, 2017